



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	BOARD OF FUNERAL SERVICES
MEETING DATE AND TIME:	Tuesday, August 24, 2010, 10:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES APPROVED:	September 29, 2010

MEMBERS PRESENT

Harry Fletcher, Professional Member, President
Marceline Knox, Public Member, Secretary
William Torbert, Professional Member
Robert O. Wright, Professional Member
Chad Chandler, Professional Member
M.C. Byrd, Public Member
Danna Levy, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Eileen Heeney, Deputy Attorney General
Danny Stevenson, Deputy Attorney General
Michele Urbaniak, Administrative Specialist II

MEMBERS ABSENT

None

OTHERS PRESENT

James Collins, DPR Director

CALL TO ORDER

Mr. Fletcher called the meeting to order at 10:03 a.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the June 17, 2010 meeting. Ms. Byrd noted that her name was incorrectly listed as the newly elected Secretary under *NEW BUSINESS: ELECTION OF OFFICERS*, and should be replaced with Ms. Knox's name. Ms. Byrd made a motion, seconded by Ms. Levy, to approve the June minutes contingent upon the correction noted by Ms. Byrd. The motion was unanimously carried.

Ms. Heeney introduced DAG Danny Stevenson to the Board. Ms. Heeney will be transferring the Board to Mr. Stevenson for the next Board meeting. Ms. Heeney explained that the State was able to secure the resources to hire additional staff in order to relieve the heavy workload in the Attorney General's office. Ms. Heeney will continue with the Attorney General's office, but

not with the Board of Funeral Services. Mr. Fletcher welcomed Mr. Stevenson and thanked Ms. Heeney for her time with the Board.

DISCIPLINARY HEARING

Thomas Trader, 10:15 a.m. (CONTINUED)

Mr. Fletcher advised the Board that the disciplinary hearing scheduled for Mr. Trader has been continued until the September 29th meeting. Mr. Fletcher also advised the Board that he will be unable to attend the September meeting due to an out-of-state convention. Secretary Knox will chair the September meeting in Mr. Fletcher's absence.

UNFINISHED BUSINESS

Strategic Planning

There was no discussion about the Board's Strategic Plan.

Rules and Regulations

Mr. Wright asked for an update on where the Board stands on Rules and Regulations. Mr. Fletcher advised that the Board needed to form a legislative subcommittee to review the Board's rules and regulations and propose changes, if any, to the Board. Ms. Heeney recalled the Board having a subcommittee in 2009 who was working on rules for advertising and internships. Members who were serving on the legislative subcommittee are no longer on the Board. Mr. Fletcher asked the Board if any members would be willing to serve on the subcommittee. Mr. Torbert asked about the process of amending the Board's rules. Ms. Heeney explained the process. Mr. Wright, Mr. Torbert, and Mr. Chandler volunteered to work on the Legislative Subcommittee.

Review of Tabled Applications for Funeral Director Licensure by Reciprocity

Ms. Heeney presented a state-by-state comparison of Pennsylvania's licensing requirements with Delaware's licensing requirements, and advised that Pennsylvania standards are higher than Delaware standards. Based on her analysis, Ms. Heeney concluded that Pennsylvania applicants applying for licensure through reciprocity meet the requirement of being licensed under a state with licensing standards substantially similar to Delaware.

William D. Zwicharowski

Ms. Byrd made a motion, seconded by Ms. Knox, to approve the application of William D. Zwicharowski. The motion was unanimously carried.

Raphael Hunt Irving

Mr. Wright made a motion, seconded by Ms. Byrd, to approve the application of Raphael Hunt Irving. The motion was unanimously carried.

Update on State Funeral LRR Exam

Ms. Urbaniak reported that the Division has approved the expense of changing two outdated questions on the State Funeral Exam. The Deputy Attorney General will choose two questions from a databank provided by the testing service.

Review of Quarterly Intern Reports

William T. Harra

Mr. Fletcher informed the Board that the Division was in receipt of the first quarterly intern report from William T. Harra. Mr. Fletcher suggested that the report be filed until the end of Mr. Harra's internship, at which time the Board would review all of his quarterly reports. Mr. Wright recommended reviewing the quarterly reports as they are received. After reviewing Mr. Harra's first quarterly intern report, Mr. Fletcher advised Ms. Urbaniak that only one of four pages had been notarized. Ms. Urbaniak will return the report to Mr. Harra with the Board's request to have

all four pages signed and notarized. The Board will review the report at their September meeting.

NEW BUSINESS

Computer-Based Testing

Ms. Urbaniak provided a comparison of the current paper testing with the proposed computer-based testing. Ms. Knox made a motion, seconded by Ms. Levy, to approve the transition from paper testing to computer-based testing. The vote was passed by a majority of the members, with Mr. Wright in opposition.

Discussion of Proposed Parking Lot Requirement for Funeral Establishments – James Collins

Mr. Collins was not present at this point in the meeting. Mr. Fletcher moved forward with the agenda and revisited this item when Mr. Collins was present.

Limited License Application

Norman Dale Fox

The application was reviewed by Mr. Fletcher and Mr. Wright. Mr. Wright questioned the difference between a Limited License and a Funeral Director License. Ms. Heeney read 24Del.C.Sec.3108 aloud for the Board. Mr. Wright asked Ms. Urbaniak for the number of Limited Licenses and Funeral Director Licenses in the state. Ms. Urbaniak reported 30 Limited Licenses and 272 Funeral Director Licenses. Ms. Byrd made a motion, seconded by Ms. Levy, to approve the application of Norman Dale Fox. The motion passed unanimously.

Funeral Director by Reciprocity Application

Scott Smith

The application was reviewed by Mr. Fletcher and Mr. Wright. Mr. Chandler made a motion, seconded by Mr. Torbert, to approve Mr. Smith's application. The motion passed unanimously.

Approval of Licensure Ratification

Mr. Wright questioned the ratification process. Ms. Heeney explained.

Ellen F. Bochanski – Resident Intern

Mr. Chandler made a motion, seconded by Ms. Knox, to approve the ratification of Ellen Bochanski's license. The motion passed unanimously.

La Keya James Congo

Mr. Chandler made a motion, seconded by Mr. Torbert, to approve the ratification of La Keya James Congo's license. The motion passed unanimously.

Continuing Education Applications

All Star Professional Training, Inc. – Funeral Services and Related Topics

Mr. Fletcher and Mr. Torbert reviewed the application. Ms. Levy made a motion, seconded by Ms. Knox, to approve the course for 5.0 CE hours. The motion passed unanimously.

All Star Professional Training, Inc. – Topics for Funeral Directors & Embalmers

Mr. Fletcher and Mr. Torbert reviewed the application. Ms. Levy made a motion, seconded by Ms. Knox, to approve the course for 5.0 CE hours. The motion passed unanimously.

2011 Meeting Schedule

Ms. Levy made a motion, seconded by Ms. Byrd, to approve the 2011 meeting schedule as presented. The motion passed unanimously.

CORRESPONDENCE

6/29/10 Email from Ray Johnson, Funeral Director: Airlines Certified Cargo Screening Facility Program – CE Credit

The Board reviewed Mr. Johnson's request for CE credit for airline training. Mr. Torbert explained the screening process for Mr. Wright. Ms. Heeney cited Section 9.4.6 of the Board's Rules and Regulations. The Board unanimously agreed that Mr. Johnson needs to submit the appropriate Continuing Education Approval form and supporting documentation for the Board to consider his request. Ms. Urbaniak will email the Board's decision to Mr. Johnson.

6/29/10 Email from Ray Johnson, Funeral Director: Requirement of Medical Examiner's Authorization to Cremate

The Board reviewed Mr. Johnson's proposal regarding the Medical Examiner's authorization to cremate. The Board unanimously agreed that this issue is not regulated by this licensing board. Ms. Heeney cited 16Del.C.Sec.3159. After further discussion, Mr. Chandler made a motion, seconded by Mr. Wright, that the Board does not support this proposal. The motion was unanimously passed. Ms. Urbaniak will email Mr. Johnson with the Board's decision.

6/29/10 Email from Ray Johnson, Funeral Director: Difficulty in Getting Doctors to Sign Death Certificates in an Expedient Manner

The Board reviewed Mr. Johnson's proposal regarding doctors' signatures on death certificates. The Board unanimously agreed that Mr. Johnson should submit his proposal to the offices of Health and Human Services. Ms. Heeney cited 16Del.C.Sec.3123. Ms. Urbaniak will email Mr. Johnson with the Board's decision.

7/28/10 Email from Ray Johnson, Funeral Director: Definition of Receiving Vault

The Board reviewed Mr. Johnson's request for the definition of a receiving vault. The Board agreed that Mr. Johnson should submit his request to the offices of Health and Human Services. Ms. Urbaniak will email Mr. Johnson with the Board's decision.

7/28/10 Email from Ray Johnson, Funeral Director: Restriction of Time Limitation of Funeral Home's Responsibility for Cremains

The Board reviewed Mr. Johnson's proposal for a time limitation on a funeral home's liability for cremains. Mr. Collins entered the meeting during the Board's discussion of this proposal. Mr. Wright made a motion, seconded by Ms. Levy, that this proposal is beyond the scope of this licensing board. The motion was unanimously carried. Ms. Urbaniak will email the Board's decision to Mr. Johnson.

7/28/10 Email from Ray Johnson, Funeral Director: Restriction of Internships with Family-Run Establishments

The Board reviewed Mr. Johnson's proposal for a restriction of internships within family-run funeral establishments. After some discussion, Ms. Byrd made a motion, seconded by Ms. Levy, that this should be an individual business decision. The motion was unanimously carried. Ms. Urbaniak will email the Board's decision to Mr. Johnson.

Mr. Collins being present, Mr. Fletcher moved back on the agenda to item 5.2:

Discussion of Proposed Parking Lot Requirement for Funeral Establishments – James Collins

Mr. Collins thanked the Board for their patience during the Division's recent staff transitions. Mr. Collins informed the Board that he had spoken with Mr. Wright on several occasions regarding Mr. Wright's proposal for a parking lot requirement for funeral establishments. Mr. Collins asked Mr. Wright to present the issue to the Board for discussion and a Board decision. Mr. Wright presented his proposal to the Board. Mr. Collins suggested that there may already be some commercial property zoning requirements that address this concern. After Board discussion, Mr. Collins went on to advise that it is inappropriate for individual Board members to lobby against the Board after it has made a determination on a particular topic. Mr. Wright stated he has

entertained meetings with people from other states' licensing boards and national organizations regarding the issue. Mr. Collins advised that due diligence is appropriate when researching a potential agenda item. Mr. Fletcher called for a motion. Mr. Wright made a motion to add a parking lot requirement for Funeral Establishment Permits. Mr. Fletcher called for a second to Mr. Wright's motion. There being no second, the motion failed. Mr. Collins asked if there were any other issues the Board would like to discuss while he was in attendance. There being no further discussion, Mr. Fletcher thanked Mr. Collins for his participation in the meeting.

COMPLAINT STATUS

Mr. Fletcher gave the status of the following complaints:

27-10-08 – Dismissed by Attorney General's Office
27-11-08 – Dismissed by Attorney General's Office
27-01-09 – Dismissed by Attorney General's Office
27-02-09 – Dismissed by Attorney General's Office
27-02-10 – Assigned to Mr. Torbert
27-03-10 – Assigned to Mr. Torbert

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Mr. Chandler asked for clarification of the Board contact's role in an investigation. Ms. Urbaniak explained.

PUBLIC COMMENT

None

NEXT MEETING

The next meeting will be held on Wednesday, September 29, 2010, at 10:00 a.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Mr. Fletcher notified the Board that he will be unable to attend the September meeting.

ADJOURNMENT

There being no further business, Mr. Chandler made a motion, seconded by Ms. Levy, to adjourn the meeting at 11:37 a.m. The motion was unanimously carried.

Respectfully submitted,



Michele Urbaniak
Administrative Specialist II